For the Standard.

RALEIGH: FRIDAY, FEB. 19, 1964.

_____ the rumored advance on Richmond by way of

peninsula, mentioned in our last, is not conned. All quiet along the lines at Orange Court se. The rumor that the enemy were retiring hat point is said to be unfounded.

ten. Sherman left the Big Black with twenty s cooked rations. He is said to have 32,000 , and is marching in close order, annoyed by cavalry. Meridian was evacuated on the 14th. troops had fallen back some thirty or for forty es from Jackson, in the direction of Mobile, and general belief was that Gen. Polk would give le to Sherman. We trust that Polk will check and capture his command. Gov. Watts has eda proclamation to the citizens of Mobile, stating the city was about to be attacked and advising combatents to leave. We may expect stirring soon from Alabama. We have great confi ce in the bravery of the Confederate troops in

HABEAS CORPUS SUSPENDED .- It seems to be erstood that the late Congress of the Confederate es, a short time before it adjourned, suspended writ of habeas corpus, and thus humbly laid the rties of the people at the feet of the Presidenter which they ordered prayers to be said on the day of April next. Let the vote on suspending writ be published.

Wake County.

t the present term of the Court of Pleas and rter Sessions, Nathan Ivy, Thos. G. Whitaker, W. Seawell, W. H. Hood and G. H. Alford were ted the special Court for the present year; ntin Busbee, Esq., was elected County Solici-John F. Hutchins, Esq., County Trustee; T. Briggs and M. T. Rogers renewed their bonds Coroners of the County.

onstables: Raleigh District, No. 1, David Lew Raleigh District, No. 2, Willie Sauls; House's ek, W. R. Perry ; Laurel Creek, W. P. Broad-New Light, Thos. N. Ray; Panther Branch, n Banks; Kitt's Creek, R. H. Slaighter; St. thews, B. B. Buffaloe; St. Mary's, W. J. Al-: St. Matthews, Alonzo Hodge; Cross Roads, , Smith; Buckhorn, J. T. Judd; White Oak. A. Upchurch; Barton's Creek, W. A. Jackson: tle River, C. M. Horton ; Buffaloe, E. B. Robin-Lick Creek, R. J. Hall; Middle Creek, J. J. es; Crabtree, W. M. Jackson; New Hill, W. Bennett : Swift Creek, Hinton Franklin : Carev. in Betts; Mark's Creek, H. A. Rhodes; Beaver ek, B. T. Hunter.

t was ordered that six per cent, coupen bonds the County of Wake, payable ten years after a to the amount of one hundred thousand dols, be issued and sold for the benefit of the fami-of the soldiers. It was also ordered that the ton cards due the County of Wake from the ite, be placed in the hands of the executive comtee for indigent families, for distribution.

The Exemption and Currency Acts. We expected to receive these acts in full in time

our present issue, but we had no mail from chmond on Wednesday night. We give the subnce of these acts as follows from the dispatches the daily papers:

The currency act provides that holders of nonerest bearing notes over five dollars, be allowed first of April, east of the Mississippi, and July st, to fund in twenty year bonds bearing four cent. All notes not funded or paid to the Govment in taxes or dues within that time, shall be red thirty-three and one third per cent, and fund e till first January next; after which taxed one ndred per cent. Hundred dollar notes not pre-nted within that time, no longer receivable for blic dues and taxed ten per cent. per month, in dition to the thirty-three and one-third.

The present issue of notes to continue till the 1st April, after which a new issue is authorized, to kept within reasonable limits. Six per cent issued and sold to raise money to meet the exnses of the Government.

All duties on imports to be paid in specie, sterg exchange or coupons. On these bonds all port and export duties are especially pledged to The Tax bill levies five per cent on most of real

rsonal and mixed property, stock, bank bills, and

lvent credits. Twenty per cent on incomes, prof-

The military act declares all between 17 and 50 service during the war. All between 18 and 45 win service to be retained under existing organtions and officers. All between 17 and 18, and and 50, to be enrolled for State defence. Pro-

st, Hospital, and Conscript guard duty to be the field Exemptions-all unfit for the field, members of ongress, State Legislatures and other Confederate ad State Officers, preachers regularly employed, editor to each newspaper now published, chemployees as are indispensable; one apothecary each drug store doing business on the 19th of ctober 1862; physicians over thirty years who tre been seven years in the practice; President achers in colleges and schools who have been gularly teaching for two years and have twenty when the colleges are not been seven on forms of 680cm field bands.

ents; one person on farms of fifteen field has ad give bond and security to deliver to the governent one hundred pounds of bacon and beef to very hand, and sell all surplus at schedule rates.— there of railroads as heretofore reported; and the resident and Secretary of War are authorized to ant exemptions, as heretofore reported. ROBBERGES.—Crossing the lines to the enemy is id to be attended with danger, especially to those to have money in their possession. We learn at a former resident of this place, (Mr. Fraps,) in tempting to get through by way of Murfrees-

was robbed by a couple of men professing belong to Col. Hinton's command, of \$980 in old four gold watches, Bank notes, &c. Col. Hinin is doing all in his power to detect the rogues. detected, we have no doubt he will punish them od has thus lost the result of the labor of many are He had a passport.

There was snow at Richmond and in northern rginia a few days ago, which accounts for the receit very cold weather here at this time. The at rain was much needed, and it is hoped will rore beneficial to the wheat.

We publish to day the conclusion of Mr. Moore's view of Judge French's decision. His argument show that the substitute law created a contract etween the government and the principal, seems ous to be conclusive. TO COR, ON R . CHINA.

Several mistakes occurred in Mr. Moore's first number. For " Constitutional axioms," read "ax-Constitutional construction." For " uto populitus" read "ati possedstia" (1+0 ... 10110

We are glad to learn that the steamer Advance has made another successful trip, and has arrived at a Confederate port. Capt. Guthris commanded in the late trip.

Fraups -- We learn from several sources in the western part of the State, that gross frauds are being perpetrated in getting up petitions to the Governor to call the Legislature together for the purpose of authorizing a Convention. Not only is the hains of Gov. Vance falsely used as sanctioning this movement, but the same persons are signing several of the papers, so as to swell the number on names; and persons under age are also asked and allowed to sign them. And the pretence is made that Gov. Vance has directed a hat of the names of all who refuse to sign, to be taken on the backs of the papers .- Fayetteville Observer.

We do not believe that any such fraud as that mentioned by the Observer, has been perpetrated. We learn that in the Western part of the State petitions of the kind referred to are in circulation, and are being signed by nine tenths of the population; but we do not believe that " the pretence is made that Gov. Vance has directed a list of the names of all who refuse to sign to be taken on the backs of the papers." We do not believe it for three reasons: First, because those who hand round the petitions are incapable of telling a false hood; secondly, because the people sign eagerly without a resort to any influence of any sort; and thirdly, because the Observer's informants are Destructives, whose statements are to be received with many grains of allowance. The petitions referred to, as we learn, contain on one side an anpeal to the Governor to convene the Legislature, and on the other a protest against it, so as to give the people a fair opportunity to record their names for and against a Convention; and those who circulate these papers, of their own motion, and without any official instructions from any quarter, keep a list of those who refuse to sign either side, so as to be able to know accurately the views and sentiments of the whole population. In one County from which we have heard, about nine hundred persons signed the appeal to the Governor to convene the Legislature-about forty persons signed the protest, and some twenty or thirty refused to sign either.

Nor do we believe it to be true that "the same persons are signing several of the papers," for two reasons: First, because Conservatives are not in the habit of cheating or deceiving, as the Observer alleges; and secondly, because the Governor will of course carefully read and compare all these petitions, and even if persons were disposed to de ceive him by signing several papers, they would know that any attempt of the kind would be de tected, in the careful examination which his re spect for the people who sign these papers will in duce him to make.

Nor do we believe it to be true that " the name of Gov. Vance is falsely used as sanctioning this movement." On the contrary, the impression prevails that Gov. Vance is opposed to the movement, but it is hoped that he will listen to the people whose servant he is, and convene the Legislature. Hence the movement. If it had been known or believed that Gov. Vance was disposed to convene the Legislature, the movement referred to would not in all probability, have been set on foot, but the people would have waited patiently for some action on his part. But who authorized the Observer to say that Gov. Vance is opposed to the movement? Does that paper speak by authority ?

at Wilkesborough on Monday next, on the state of the country. The people will, therefore, soon know whether he is for or against a Convention. We confess we are in the dark as to the Governor's views on the subject; and it may be, from the confident air with which it assumes to speak for the Governor, that the Observer is more fully posted as to his opinions than we are.

Traitors in Richmond.

We have heard it hinted more than once that there are hundreds, if not thousands of Union men in Rich mond, and the following from the Disputch would seem to confirm this opinion. The Di-patch says, truly and justly, that those persons who curse the South, or conspire against the government, or assist Yarkee prisoners to escape, should be held to rigid account; but is that paper quite sure that all the subalterns of the government at Richmond are blameless in this respect? The recent escape of so many Yankee prisoners calls for the most rigid investigation. It seems to us that such a thing could not have happened without complicity and corruption on the part of some of those who had these pri soners in charge. The Dispatch says:

"The benignity and toleration manifested by this government to persons who, if living in the North and exhibiting the attitude toward that government which they do to this, would ensure their consign ment to a dungeon, has only tended to make them more bitter, treacherous, and malignant. They affect to regard as a cruel despotism a government which does not interfere with their freedom of speech and person, and which permits them to enjoy all the rights of loyal citizens and the possession of their ill gotten gains, whilst curses for the Southern cause and all connected with it are the only coin which they pay for such elemency and indulgence If the Yankees were to come here to morrow the worst enemies of the loyal people, the most cruel and savage persecutors of our cause and countrymen, would be these domestic traitors, who are unmolested in person, estate, or liberty by our people

and our government, But the time has come when the truth that these who are not for us are against us, must be prac tically recognized, and that pitiful minority of men and women who do not regard this as their country, must be sent to that country which they do regard as such, and not permitted to remain here. to assist Yankee prisoners to escape and plot treason against the State. It is the custom of the Lincoln government to send from its own limits better nea-ple than themselves for not nair their offences.— Item and women have been expelled from the North, and driven from their homes and property, for manifesting sympathy with the Southern cause, and unless we are lost to all self-respect, and all sense of justice to our own countrymen, we will common the same chalice to the lips of the traitors and miscreants here who are plotting the overthrow of the government and the restoration of the "glorious old flag." It is no thanks to such as them Richmond has not been taken a hundred times over, and the Yankee priseners let leose to devote the city to fire and sword. The authorities have a duty to perform in this matter, which is demanded by the most obvious dictates of public security and self preservation. Suddiers and Harmons B.

LINCOLN'S CALCULATIONS -A correspondent of the New York Horald says that the friends of Abraham Lincoln count on organizing governments in South Carolina, Georgia, North-Carolina, and other Southern States, in time to get the votes of those States for him in the next Presidential election ... this farce. to be enacted by means of his one tenth of population in each State! These are the means, it seems, to be relied on to perpetuate the abolition power by defeating the national candidate for the Presidency of the United States. Such a course, if adopted would most probably lead to a revolution by the national men at the North. The ides of casting the vote of North-Carolina for Abraham Lincoln ! What an insult to our people, and what a gross perversion of every recognized principle of self government?

Extract from a letter to the Editor, dated BLACEAHEAR, GA., Feb. 11, 1864. "The sentiments of the people of Georgia are for an honorable peace, by an overwhelming ma-

jority."

the subject of negotiations, introduced in the House

of Representatives by Mr. Wright, of Georgia; and we have also noticed the feeling which exists in that State in favor of negotiations looking to an honorable peace. We have also given it as our opinion that no two States in the Confederacy are more devoted to the Southern cause than Georgia and North-Carolina, and that they would do noth ing in any event to bring diserroe or disaster on that cause. We make some extracts below from the Selma (Ala) Daily Reporter, showing the feeling in that State on the subject. The Reporter of the 10th instant thus notices Mr. Wright's resolu-

A Voice from Alebamanit of M

We have heretofore published the resolutions on

"IMPORTANT RESOLUTIONS.—We publish this morning the resolutions, under the above caption, as introduced by Mr. Wright, of Georgia, in the Confederate House of Representatives, a few days since. These resolutious are, by far, the most important that have been submitted to the consideration of Congress, and if there he wisdom and forecast among those to whom is intrusted the destiny of this country, they will surely be adopted, at ar early day, with a unanimity rarely watnessed in these days of disputation and useless wrangling.— The idea that this gigantic and ferocious war can be brought to a close by fighting alone, is so trans-parently absurd, that the only wonder is that thinking men ever indulged such an fillusion. Without invoking the arts of diplomacy, we might fight until doomsday and yet be no nearer a peace than at this moment. The preamble and resolutions are wholly unobjectionable, and though brief, they cover all the ground that is needful to be occupied by overtures of this description. We will treat with the enemy only on the basis of our recognition as independent States, and we will, therefore, not be humiliated, even though no good results should follow the passage of these resolutions through Congress. It should be our business and pride to hold aloft the olive branch to our implacable foe and thus put ourselves in sympathy with the anti-war party at the North, thereby facilitating the overthrow of the Black Republican party."

And the Reporter of the 11th instant thus defines its position :

"We wish it distinctly understood that we yield precedence to no one in our devotion to the Confed eracy and the principles upon which it is founded out while we cherish a reasonable enthusiasm in these premises, we do not intend to be so far denuded of our "right mind" by any sort of "flery frem zy" as to forego our privilege, as an honest and learless fournalist, in the outspoken advocacy of any measure which we believe truly contemplates the good of the country. In a free government, a blind adherence "to the powers that be," is not a test of loyalty, but is significant of both ignorance and knavery. We dislike to appear captions, and to avoid dangerous antagonism with our rulers, we have always been willing to waive minor differences; but in thus shaping our course, it is not hence to be inferred that we have not a mind of our own, or that we are subservient to any tribunal other than that of our own judgement and conscience.

We have indicated more than once that we are opposed to the continuance of this war one moment onger than it can be satisfactorily brought to a close, and to this end we mean to labor, irrespective of fear or favor. If there be those who are the victims of a furor which can be satisfied only with the outpouring of more blood, we envy not their princi-ples, nor do we wish for their patronage. There has been enough suffering -enough widowhood and orphanage to satiste the vengeance of fiends. We say, then, let this accursed war be stopped. Let every means be employed that looks to the speedy inauguration of a blessed prace.

In pursuance of this policy, we declared terday's issue that the presmble and resolutions introduced in Congress by Mr. Wright, of Georgia, should meet with a ready acceptance at the hands of our representatives. We reiterate the opinion of our representatives. We reiterate the opinion that those resolutions are faultions in their epirir and purpose; and we now go further, and declare that unless they be acted upon, the men who shuf-fle them aside will be held to a fearful account by their constituency. The people will fight always if it be necessary, but they will not have their wishes ignored in a matter of such vital interest to them. The war must be ended in some way. It is clear that neither section can "conquer a peace;" it must be done by diplomacy. This great fact is appreciated by the people, and they would have their representatives to rise to its acceptance in a spirit befitting the crisis through which we are passing; otherwise, they had better resign their seats and return to a more humble sphere of action.

Let us not be misunderstood. We hope for no peace with Lincoln, or with the Abelition party, but we do expect to negotiate for and receive the recognition of our independence when he shall have been ousted from power. Of this we have not the shadow of a doubt; but to insure a consumation so devoutly wished for, let us besitate no longer to employ the only means that can ensure the realisation. In the meantime, the clash of arms must needs go on, but it militates not against the humane spirit which should be in the ascendant despite the funy with which the contest may rage."

It will be seen that the Reporter agrees with us precisely as to the policy of talking and fighting for peace at the same time.

Some of the Destructive journals, for party purposes, are endeavoring to produce the impression that the Standard is responsible for desertions from the army. There is no foundation for this charge, and these journals know it. We have never written, or uttered, or printed a word designed or calculated to cause desertion. On the contrary, we have written and printed more, perhaps, to discourage desertion and to encourage volunteering than any Editor in the State. But all this goes for nothing with our enemies, because we advocate the rights of the private soldiers, and because we insist that while the war is prosecuted with vigor some steps should be taken by statesmen at home looking to an early peace. It is not accessary that we should caution our Conservative friends against the falsehoods of the Destructive journals, or the selfish partizan policy which controls them. These journthey say or emit to say, never draw a breath that is not of party. Their highest and only aim is to "feather their own nests." They malign and mis epresent us, and resort to every device to render us odious, because we are in their way; but as long as the people stand by and sustain us we shall fear nothing. Break down the Conservative party in this State and silence the Standard and the Destructive leaders would have a very carnival of power and rejoicing. The "good time" for them would come, but truth, and justice, and civil liberty would be sacrificed. Truth, because the Constitu tion would be perverted and disregarded; justice, because the weak would be trampled by the strong civil liberty, because military and martial law would prevail over all plans section of the property

We learn that counterfeit notes of the County of Greenbajer, Va., are in circulation. In the counter ferts "Just McPherson" is badly signed, and "Cl'k"

is omitted, add many about surrends has Congressions!

Richmena, Feb. 17.—Both Houses have passed a bill to establish a Volunteer Navy. It authorizes the Secretary of the Navy to commission vessels either in or out of Confederate waters.

Both Houses have appointed Friday, the 8th April, as a day of fasting and prayer, and have also adopted a highly patriotic a ddress to the country. The House passed the Senate bill to issue tebacco

The Senate concurred in the House bill to repeal the act authorizing Partisan Rangers, and the bill for promoting privates who have shown distin-guished skill and valor. It is believed both Houses-have passed, in secret session, and sent to the Presi-dent a bill authorizing the suspension of the habote dent a bill authorizing the suspension of the habeds | Every valid contract vests in the parties actual corpus.

The conscript act of April, 1862, action it provides "that persons not liable to military duty may be received as substitutes for those who are, ander such rules and regulations as may be pre-scribed by the Secretary of War." The time of service is three years, unless the war shall sooner end. The Secretary of War published an order that a person thus liable to military duty, might put an able bodied man, not liable to military duty

under the act, in his place, and thereby become en-titled to his discharge from the service exacted of him. Accordingly, such a substitute was put in, and the principal was discharged by the govern-ment absolutely and without condition; for the law did not make the substitution or discharge condi-

Now, is this a contract between the government and the principal? And, if so, can the government violate it upon necessity, even, without compensa-tion? If it is a contract, it is an executed one. A centract is a compact between two or more parties, to do, or not to do, a particular thing gden vs. Sannders, 12 Wheat 256; 1 Parson's const., 5, Smith on contracts, Law lib, 2 Story cons. § 1976. Whether any contract exists, and if so, what is its proper interpretation is determinable upon the principles of the common law. 2

Story, cons. § 1880, These principles require to every contract a consideration. They do not, however, look to the question, which party has obtained the advantage in the bargain. Indeed, the contract is as obligatory without any advantage to the promiser as with it. "The main rule in regard to the sufficiency of the consideration, is, that it may arise, either first, by reason of a benefit resulting to the party promising, or at his request, to a third person by the act of the promiser; secondly, on occasion of the latter sustaining any loss, or inconve-nience, or subjecting himself to any charge or obligation, at the instance of the person making the promise, although such person obtain no advan tage therefrom. Chit, on contr., 80: 1 Parsons

contr., 856; Smith on contr., and cases cited. The entire case may be briefly stated, thus: By force of the conscript act of April, 1862, a citizen between 18 and 35 years of age, became liable and owed to the government military service for three years; and another citizen, beyond the age of 35 years, did not become thus liable. The government, in order to make the debt more acceptable to the military debtor, said to him, at the very moment of demanding the military service, "you may be discharged of the duty exacted of you, if you will choose to do so, by putting in your place some fit citizen of whom this military service is not required. This proposal, however, is made of more favor, and without any purpose or expectation of seeking any benefit therefrom ". Such is a fair onstruction of the undertaking by the government

Well, in pursuance of this declaration, or proposal, or promise, the military debter proceeded to subject himself to the snoonensenses and charge of procuring a person who was not liable not a mil-tary debtor—both able and fit, and offered him in his place and he was accepted, and the government forthwith discharged the military debtor from the service demanded of three years.

Now, if this had been a stipulation between two. citizens about a matter of money, property, or service, there would never have arisen any doubt that a contract existed; and that the debtor was fully acquitted of the whole matter demanded of him in the outset Let us see if familiar cases of illustration in the law do not fully support this conclusion.

A is bound to convey to B the tract of land called

Black Acre." He is reluctant to do so, and therefore B, of mere grace, says that he will accept in lieu another tract, which is forthwith conveyed to B, who thereupon discharges A of his obligation.

Again: A owes B a debt, and A proposes to pay him with the bond of C of the same amount, is discharged.

Again: A is bound to serve B for one year in a specified calling. B gives him leave, of mere grace, to put in his place another man not bound to serve B at all at the time. This other man is accepted and A is discharged.

In all these cases, the substituted obligation and service are allowed as a privilege and of mere grace and favor; yet the discharge is binding in every Court in the land. Take one more illustration;-Suppose that by a tax law, A is taxed during three years in future, nine tenths of his income; and the Confederate government proposes to him, of mere grace, that if he will pay down thrice seventenths of his annual income, estimated according to rules prescribed by the Secretary of the Treasury, he shall be discharged from all other and further tax on his estate, and A does so. Can the government, after getting the cash, rightfully claim to tax his

Now, in the first three illustrations one will dispute the law as it is stated. In the fourth, I am sure that any government, even with the power to retain the money, would be ashamed to do so; and that any independent judiciary would decide that it could not. Yet in the cases between individuals, there was no benefit or advantage to the promiser. The substitution of one duty for another was allowed of mere favor, as was the substitution of another to the particular duty required. Of this character often are the promises made by the victors to the ranquished on laying down their arms The surrender was the consideration, and in all ages has been deemed of the same force and virtue, whether the promise was made of necessity, of expediency, or of grace, which, it must be admitted has been generally better kept when it came of grace, because that impulse is from a generous and

poble, as well as a just beart. It is easy, if the above examples are not sufficient to enforce conviction, to present cases of illustration still more apposite. As, for instance, suppose section 9 had declared that persons not liable to military duty may be received as substitutes; and provided, that not less than two shall be received for one thus liable; or that the sum of \$1,000 may be received in substitution of the three years' service exacted by purely of mere grace and favor, if not so liberal as that which is actually offered. If, under such enactment, one person had put in two substitutes and another had paid \$1,000, would any one deay that the faith of the nation would be pledged to them, and that a contract would arise instantly on accepting and fulfilling the terms proposed by the law?

I have forborne to allude to the fact, that Con-

gress, at the passage of the act, was fully aware that substitution would involve the expenditure of land principal and his substitute would be based upon the assumption that the substitute would be obliged to remain in service the entire time for which the principal would be; and that for such time the prin would be excused. Such was the popular belief throughout the country. The various attempts of the Secretary of War to impose, by his own orders, conditions upon the extent of the discharge, but prove his own convictions of what meaning the act of Congress generally disseminated throughout the land. The disregard by the Courts of the unlawful conditions attempted to be annexed to the discharge allowed under substitution, had sufficiently informed Congress in what sense people accustomed to construe laws, received the privilege of substitution. The recent act subjecting all principals, whether their substitutes be liable or not to military service, consider an utter disregard of the con-fidence reposed by the constituent in the represen-tative, and of their common understanding of the laws enacted by the latter for their common obser wanch. It may be true, that all this does not prop erly enter into the decision of the Court upon th question whether there be a contract or not. And for that specific purpose I forbear to urge it, not because it is not connected with the idea of contract, but because the contract is complete and obligatory without it. It matters not in law, whether the substitute took his place in the ranks through love of money or of more affection. But truly the heavy rost, is most cases, of procuring a substitute, founded on the idea of exemption for three years, eight to have warned the government against lay-ing rash hands on the principal, and makes heartless the violation of a contract accompanied by such bad ord ellaving shown that the substitution allowed by

the act involves a contract to discharge the principal, for so long a time as the principal owed his own service, it remains to inquire to what extent this contract is obligatory on the government.

other name it may be called, a right, a privilege or a purchase. It matters not whether they adhere to the corpus itself, of property, or attach to the person, position or employment of men, they are all stike sacred objects of legal and constitutional protection against public seizure, breach, impairment, or destruction. Thus if the sovereign grant land upon condition that the grantee shall be subject to pay annually 25 cents per acre for tax and no more, all taxation beyond is illegal stid a breach of contract. New Jersey or. Wilson, 7 Cr., 164. If A borrow money upon promise not to tax the security issued, its bonds executed for that purpose, cannot be burthened with any revenue by it, with out a breach of contract.

If a banking or a railroad corporation be created with a promise to the stockholder against all tax, no imposition can be laid without impairing the con tract. State bank re. Knoop, 16 How, 369, Woodrnff rs. Tapnall, 10 How. 190, State cs. bank Cape Fear, 13, Iredell 15, Attorney General v. 4. bank Charlotte, 4, Ir. Eq. 287.

If one is let into an office during good behaviour he cannot be displaced at discretion to make way for another during the continuance, without the seizure being illegal and a breach of contract -Hoke ca. Henderson 4, Dev. 5. If the sovereign grant the exclusive right of fishing in a navigable iver or arm of the sea, it cannot extend the right of fishing in the same waters to another without breach of contract. Town of Pawlet es. Clarke 9 Cr. 92. Terrett es. Taylor, 9, Cr. 43. When law is a contract, a repeal of that law cannot take away vested rights under it. Fletcher vs. Peck, 6

Every sovereign is a moral being and may bind himself within the sphere of his powers, to the same extent as may a private person within the scope o his faculties; and each alike breaks his contract when its complete fulfilment is denied. The obli gation of a sovereign unlimited in power rests or his honor. If he be limited in power and make contract vesting rights in the subject, it rests with the judiciary to protect such right against his en-

If substitution be a contract, the principal has property in it as truly as in a tract of land granted by the general government, and that government has no more right to violate the one than to seize the other. That government is vested with the power to dispose of the public lands, is clear. Is it not equally clear that it has no power to rescind its grant? "A grant implies a contract by the grantor, not to re-assert the title granted." Fletch er v. Peck, 6 Cr. 87. We may say, in like manner, that a contract implies an agreement by the parties not to re-assert the right parted with by the contract. But the Confederate States' government has no sovereign right to break a contract which it has a constitutional right to make. It has no granted power to violate any constitutional engagement it may enter into. It exists only by virtue of powers conferred on it. Its powers and its rights go hand in hand. If any nation may wilfully retract its grant or violate its contract with its own subjects, t is because of its unlimited powers, and its being beyond the pale of being questioned by any of its tribunals. If the Parliament of England have the constitutional power to transfer the land of A to B. there is no such power in any Confederate authoriy. It cannot be found in the charter of its creation, and if it should attempt it, the wrongful tenant could not avoid the question being presented to a court. Such would be the case of any other tangible thing which the government might attempt to hold by its agents. It is true that a contract be tween the government and a citizen, not fully exe-cuted, could not be enforced by suit against the government, unless by its own consent; as an agree ment to pay money. But in every instance where the courts can get jurisdiction, they pass upon the powers assumed. In this case the body is unjustly

detained in violation of a valid contract, which must remain binding, till the government shall remove and that is to treat the centract as property. Its breach, if made necessary, is like taking it for public use, and it is assuredly protected under Confede rate Constitution art, 1 s. 9, § 16, which declares that no person shall "be deprised of life liberty or property without due process of law, nor shall private property be taken for public use without just compensation." So much of this provision as relates to the taking of private property for public use, is found in the Constitutions of many of the States, though not directly in ours. Kent, commenting (2 vol. 398-9,) on this clause of the Federal Constitution and similar provisions of the State Constitutions, says, "The Constitution of the United States and most of the States of the Union, have imposed great and valuable check upon the exercise oflegislative powers, by declaring that private prop-erty should not be taken for public use without just compensation. A proviso for compensation is a necessary attendant on the due and constitutional exercise of the power of the law-giver to deprive an individual of his property without his consent. And this principle in American constitutional jurisprudence is founded on national equity, and is laid down by jurists as an acknowledged principle of universal law." The learned and full note to the text fully sustains it by authorities. "The government is bound in such cases to provide some unbursh for the assessment of the compensation or indemnity, be fore which each party may meet and discuss their claims on equal terms; and if the government pro-

agents may and ought to be restrained by injunction." 2 Johns, Ch.Rp. 162. Henderson vs. Maj. &c., of New Orleans, 5 Miller's Louis. Rep. 416. Bonaparte vs. C. & A. Railroad Company, 1 Bald. C. C. U. S. 205. Exparte Issaes and exparte Cox and Hill, ante Bloodgood vs. Mohawk and Hudson Railroad Company. 18 Wend 9. Rogers vs. Brad-shaw, 20 Johns, 735. The discharge of the body under habeas corpus is the only way of restraining the irreparable wrong, and serves the same purpose as the injunction against tangible property, taken without just compensation. It may not be said that the difficulty of ascertaining the just compensation dispenses with attempts to adjust it. This is ne bar to damages in any tribunal, and can never shield a person or a nation from accountability, so long as the maxim holds good that no one shall have advantage of his own wrong.

B. F. MOORE Raleigh, Feb. 16, 1864.

For the Standard. Mr. Epiron :- The conscription of L. H. Padgett by the Confederate authorities at this time, deprives the soldiers of the counties of Beaufort, Hyde and a clothing, the mails and other necessaries, and as there are over fifteen handred soldiers that have received their letters through the facilities he afforded. I hope that his Excellency, Gov. Vance, will use is influence in getting him detailed to continue in the same capacity. Mr. Padgets volunteered at the beginning of the war in company I, 3d N. C. Islandry, and skyed until discharged on account of wounds received in the seven days' light around Richmond, and has been engaged ever since transporting the mail through the enemy's lines.

Wilmington, Feb. 15, 1864.

For the Standard. Public Meeting in Davidson County. At a public meeting held on February the 6th. 1564, in Davidson county, on motion, J. Collett was called to the Chair, and B. F. Beckerdite appointed Secretary. After some appropriate remarks by Rev. I. Miller and others, the Greene county resolutions

were unanimously adopted,
The meeting adjourned, with loud cheers for a Convention, &c. JAS. COLLETT, Oh's.
B. F. BECKERDITE, Sec'y.

DOR SALE, COTTON, TOBACCO AND Ruleigh and Gaston Railroad; Son boxes manufactured tobloco, medium and line grades; 30 hogsheals last tobuco, and 985 acres line tobicco lands, over one half original growth, in Granville county. These safes are w for So days.

Williamsboro

Peb 1 th, 1864.

Williamsburger and Confederate copy three said send bill to this office. OFFICE OF CHIEF QUART

Haleigh, February 17th, 1666, cerred at this office nutil the 28th, ture of Oil from the Tithe Pea No. P ERMASTER, roperals will be re-Proposals must state the pri sale per galles for the off duce of oil as well as oil as will require the social pro-Major and Chief C. H. Feb. 18, 1884.

28th Narth Carolina Regiment.

The following address was read at dress For the Standard parade of the 28th N. C. regiment, army of Northern Virginia, after that regument had so enlisted for the war. The srmy contains no braver or more efficient officer than Col. Speer. HEADQUARTERS, 23.h N. C. Reg't., [

February 5th, 1864.

Soldiers: -- Having by your devoted patriotism, your patient endurence, and your pallantry upon so many battle fields estruct so high and honorable name, and an enduring fame in the army of Northern Virginia, you have crowned it all with a toreath of glory by your action this day, by your re enlisting, of your own free will in the army of the Conerate States for the war! This was all that was wanting in the brilliant and beautiful chaplet with which you have adorned your colors; upon them surrounded by the names of the battles in which you have gained imperishable renown, you have written these memorable words for the war! How grand and glorious the words and spectacle! A war-worn regiment, its ranks decimated by the casualties of battle, have sent back to their people at home the cheering news the proud and gaffant defenders—the old 28th, N. C. Regt. have re-enlisted for the war. With what feelings will they hail it, with what gratitude will they greet you. By this act my brother officers and soldiers you have evinced your patriotic devotion to your country, and your confidence in the success of our cause. By it, you have hurled defience to your enemies, who expect to subjugate you, telling them in language they will not fail to understand, that you had rather die all freemen, than to live slaves. By it you have spoken he words of cheer to our people at home, that you intend to do your duty and encourage them to do theirs. By it you have fixed the brand of infamy and shame en all skulkers and showed them that their day of retribution is fast approaching. By it, you have declared, that as you entered the army as volunteers, and was the first volunteer Regt. in N. C. to organize for three years or the war, you intend to remain in the service as such. That the old 28th N. C. will never be a conscript Regiment. SOLDIERS: This act is as honorable to you as it

s creditable to your officers. We all thank you and are proud of so noble a regiment. You deserve well of your country, and she will reward you. May you ever maintain that fair reputation which you have so gloriously won, and your honor untarnished. May our enemies soon be compelled to listen to terms of peace, our country be free, and peace soon be restored to our much beloved but di tracted country. May angels ever guide and guard your pathway through life.

W. H. A. SPEER By order of Lt. Col. Com'g. Reg't. R, S. FOLGER, Adj'L

Thu Confederate, Observer, Charlotte Dem-osrat, and Iredell Express piense copy.

Conservative Meeting in Greene County. At a large and respectable meeting of the Conservative party of Greene caunty, held at Snow Hill on Monday the 15th February, 1864, on motion of R. J. Willistas, Col. R. C. D. Beamon was called to the Chair, and Dr. F. M. Rountree requested to act

The Chairman having explained the object of the meeting in a few appropriate remarks, on motion of J. B. Williams, J. B. Faircloth, Wm. Coward, H. F. Grainger, F. W. Dixon and R. J. Williams, were appointed a committee to draft resolutions expressive of the same.

The committee retired's short while, returned, and through their Chairman, R. J. Williams, reported the following preamble and resolutions which were unanimously adopted: WHEREAS, The time is approaching when the

freemen of North-Carolina will be called upon to choose a Governor, whose duty it will be to pilot the ship of State in these dark and perilous times; therefore -Resolved, That the people should be cautious and exercise wisdom and discretion in their choice.

Resolved. That we will submit to no compromise with the Destructives.

Resolved, That while we will cheerfully support any sound Conservative, we take pride in recom-mending to the people of North Carolina, W. W. Holden, a patriot and a statesman, as our first choice

for Governor.

Resolved, That we call upon the people of the old

North State to rally to his support, and sustain him in a manner that will give joy and consolation to all lovers of civil liberty, and carry terror to the

hearts of tyrants. Resolved, That we do tender our heartfelt thanks to the Hon. E. G. Reade, for his noble defence of our old mother State, North Carolina and heroic soldiers, on the 30th of January last, in the Senate of the Confederate States; and while his vindication of her loyalty should cause the cheeks of her defamers to burn with shame, it should fire every heart with everlasting gratitude to the author.

Resolved. That we approve of the resolutions passed at Smithfield, Johnston county, Feb. 6, recommending a Mass Meeting to be held at Greensborough or Raleigh in the month of April or May, Resolved. That the proceedings of the meeting be published in the Standard and Daily Progress. On motion the thanks of the meeting were tendered the Chairman and Secretary.

On metion the meeting then adjourned.

R. C. D. BEAMON, Ch'mn. F. M. ROUNTREE, Sec'y.

HAREAS CORPUS.—The Legislature of Alabama recently passed an act which makes the denial of a writ of habeas corpus an act of felony, the penalty attached being not less than a fine of one year's imprisonment. We should like to see this act adopted by every

State in the Confederacy. The right of habeas corthe people, and ought to be guarded with the ut-most jeslousy. As some of our national legislators seem disposed to tamper with it, it is time that the States should come to the rescue.

In England, any attempt to palter with this prin-

ciple would shake that stable monarchy to the centre. Can it be possible that we, who are fighting the battle of constitutional liberty, should prize our freedom less than our English cousins ! Dark as is the situation of the country, it is sure-

ly not yet necessary to convert the Governme into a despotism in order to retrieve its fortune And that such would be the effect of any auspersion we we necesser for puts act, there cannot be the slightest doubt. With our persons at the absolute disposal of military authority, we should have as little to aght for as the meanest Russian serf. Let it not be said of as that we threw off one tyranny only to build up snother at home.—South-Carolisson.

SHOWY FUNERALS.—The trappings of the defunct are but the outward dressings of the pride of the law-ing; the undertaker, in all his melancholy pour dingy brasery, waits upon the quick, and P

A STON COUNTY: I hereby SATES OF JOHNdealars myself a cap-ommissioner for dohuston. Election to be held at the County, for the present year Court house in Smith are at February Court. I have attace in the serious at February Court. I have rover fifty yes are one moder thirty-five, and him po a secour rs of age, and am exempt from efform all spose to execute the office faithfully, and the duties of County Commissioner discourt fally, and not to charge any thing for the duties of county Commissions and a duties of county Commissions half per cent, which has hitherto been paid, the support of the poor of my County.

JAMES M. CARTER. the other over fifty yes igently and oher of two and s

Fobr ANY VOTERS FROM ALL PORTIONS
(A. of Drange, are desirous of supporting Capt. ADDIdON MANGUM, for a sent in the Senate, made vacant by
the resignation of Gov. Graham.

MANY VOTERS.

A UCTION SALES, SATURDAY, PEB. 20, 1861. - Will be sold at Towles' suction and commission after, at 10% o'clock, one good plantation borse; two sets of cart or wagon wheels; one ox break; one set good buggy harness; a small lot of heavy brogans and women and children shoes; sundry household and hitchen ware; a small lot of new hardware, shoe thread and spoul
settlon; a complete set of first rate millwright tools, can
penter's ditto; beautiful gilt cornices and window urnsidents; a small lot of genuine Rio coffee, tobacco, and
and segars, &c. &c.
Also will be hired out for the balance of the year a likely
girl; 8 years old, a good house ser and nurse.

1864

Raleigh, Peb. 101 ...